

United States District Court

FILED
CLERK'S OFFICE

Joseph P. Schmitt, pro se
Plaintiff,

2006 SEP -8 P 2:54

v.

U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. No. 05-10573-RWZ

MA. Dept. of Corrections, et al
Defendant

Plaintiff's Motion For Monetary Sanctions
For Defendants' Counsel Defying Justice
Rya W. Zobel's Orders to Cease Filing
Duplicative Pleadings

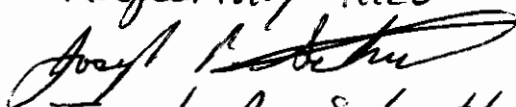
Now comes the pro se plaintiff, and moves this Court for monetary sanctions against the defendants' counsel, Jody T. Adams for her practice of filing duplicative and frivolous motions in the above captioned action and C.A. No. 05-10571-RWZ after this Honorable Court warned both plaintiff and defendants to cease this practice in combined actions USDC No. 04-10451-RWZ and USDC No. 04-10717-RWZ. And, even more curious is that the co-counsel of the 04-10451 and 04-10717 case, C. Raye Poole, filed a motion dated May 10, 2006, "Defendants Opposition to Schmitt's Motion For Court Order And Motion For Sanctions", in which counsel sought "IV. Schmitt Should be Monetarily

Sanctioned for His Failure to Comply with this Court's
Orders to Cease filing Duplicative And Frivolous
Motions And All of His Future Motions Should Be
Dismissed Sua Sponte with further Sanctions Imposed,
 And almost immediately afterwards the counsel for the
 defendants aggressively violate the Court's repeated warning
 by filing identical motions in USDC CA. Nos 05-10571-RWZ
 and 05-10573-RWZ. See def's motions, Defendant's Motion
to VACATE Plaintiff's Indigency Status And to Require
Payment of All filing fees filed on 8/29/2006, and
Defendant's Motion to Dismiss filed on 8/31/2006.

Defendants counsel have, or should have, a much
 higher legal education and a superior knowledge of pre trial
 and trial litigation practice. As such, attorney Jody Adams
 has absolutely no excuse to so blatantly defying this Court's
 Authority.

Plaintiff moves for monetary sanctions in the
 amount of \$250.00 per duplicated motion filed by defendants
 as noted above. Plaintiff further moves that this Court
 dismiss and/or deny said duplicated motion with prejudice.

Dated: Sept 7, 2006

Respectfully filed

 Joseph P. Schmitt

Mass Treatment Center
30 Administration Road
Bridgewater, Massachusetts
02324-3230

Certificate of Service

I, Joseph P. Schmitt, hereby certify that a true copy of the above motion was mailed to Jody Adams, Esq. at 70 Franklin Street, Boston MA. 02110-1300, the Dept of Corrections Legal Division in Suite 600, via First Class U.S. Mail to be paid by the Dept. of Correction pursuant to 103-CMR-481.9-10 and 11, on this 7th day of September, 2006.

